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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 THE NEW YORK CITY EMPLOYEES'
15 RETIREMENT SYSTEM, *et al.*,
16 Plaintiffs,

Case No. C 08-0246-JW

17 v.
18 LISA C. BERRY,
19 Defendant.

STIPULATION AND [PROPOSED]
ORDER REGARDING DEFENDANT
LISA C. BERRY'S RESPONSE TO
COMPLAINT

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1 WHEREAS, on January 14, 2008, the New York City Pension Funds (“Plaintiffs”)
2 filed a putative class action titled *The New York City Employees’ Retirement System et al. v.*
3 *Berry*, C-08-0246-MHP (N.D. Cal.) (the “Berry Action”);

4 WHEREAS, pursuant to Civil L.R. 3-12, a Related Case Order was entered and on
5 February 25, 2008, the Berry Action was reassigned to Judge Ware, who is presiding over *In re*
6 *Juniper Networks, Inc. Securities Litigation*, C-06-04327-JW (N.D. Cal.) (the “Consolidated
7 Action”);

8 WHEREAS, on March 5, 2008, the Court approved the parties’ joint stipulation to
9 extend defendant Lisa C. Berry’s (“Berry”) time to respond to the complaint in the Berry Action
10 (the “Berry Complaint”) until after the Court ruled on certain defendants’ motion to dismiss in the
11 Consolidated Action;

12 WHEREAS, the parties are considering mediation of the claims and have
13 conferred and agree that an extended briefing schedule on any motion filed by Berry would be
14 appropriate;

15 NOW THEREFORE Plaintiffs and Berry jointly submit this proposed order to the
16 Court to establish the schedule for Berry’s response to the Berry Complaint:

- 17 1. Berry shall file a response to the Berry Complaint on or before June 16, 2008;
- 18 2. Plaintiffs shall file their opposition to Berry’s motion to dismiss (if filed by Berry)
19 no later than 30 days after Berry’s motion to dismiss is filed; and
- 20 3. Berry shall file her reply brief in support of any motion to dismiss no later than 15
21 days after Plaintiffs file their opposition brief.

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1 Dated: April 24, 2008

2 ORRICK, HERRINGTON & SUTCLIFFE
3 JAMES N. KRAMER
4 ERIN L. BANSAL
5 REBECCA F. LUBENS
6 Orrick, Herrington & Sutcliffe LLP

7 /s/ REBECCA F. LUBENS

8 REBECCA F. LUBENS
9 Attorneys for Defendant
10 Lisa C. Berry

11 Dated: April 24, 2008

12 SCHUBERT & REED LLP
13 Two Embarcadero Center, Suite 1050
14 San Francisco, California 94111

15 /s/ WILLEM F. JONCKHEER

16 WILLEM F. JONCKHEER
17 Local Counsel for Plaintiffs
18 The New York City Pension Funds

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OHS West:260424496.4 The New York City Pension Funds

1 **[PROPOSED] ORDER**
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4 Pursuant to the parties' stipulation, IT IS SO ORDERED.
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6 Dated: _____
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11 **HON. JAMES WARE**
12 **UNITED STATES DISTRICT COURT JUDGE**
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